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Reply to Office Action of January 22, 2007

Belanger *et al.*
Appl. No. 10/659,368

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-37 are pending in the application, with 1, 7, 15, 16, 23, 24, 29 and 30 being the independent claims. Claims 1-3, 7-9, 15-18, 23-25 and 29-32 are sought to be amended for clarification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-4, 7-10, 14, 16-19, 24-26, 29-33 and 37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,041,412 to Timson *et al.* ("Timson"). Applicants respectfully traverse this rejection.

The Examiner contends that Timson teaches each of the elements of independent claims 1, 7, 24 and 29, Applicants respectfully disagree. Amended claim 1 states:

> A method for providing an access candidate access to secured electronic data, the method comprising:
> receiving a request for access candidate access to the secured electronic data by a controller associated with the secured electronic data;
> comparing, at the controller, one or more attributes of the access candidate with one or more access requirements associated with the secured electronic data;
> submitting, by the controller, a request for authorization to a resolution authority in response to a comparison that indicates that access by the access candidate is prohibited without authorization; and
> granting the access candidate access to the secured electronic data if the resolution authority provides authorization for such access.

Applicants submit that Timson fails to teach all the elements of claim 1 and similarly worded claims 7, 24 and 29 for at least two reasons.

First, Timson describes a "request for data" (access; col. 4, lines 7-11) that is contingent on a comparison resulting from a determination of an "authoriz[ation] to perform data operations" (permissions; col. 3 lines 11-16 and 34-40). For example, Timson teaches data operations such as "Create Data Set" and "Delete Data Set." (col. 4, lines 46-54). Specifically, the data operations of Timson are directed to hierarchical setting of permissions and data sets (interrogatable secure data module: Figs. 6-7; col. 11, lines 53-57) or permissions only (enabling secure data module; Figs. 6-7; col. 11, lines 58-64) on access cards by other access cards (enabling secure data module; Figs. 6-7; col. 10, lines 40-50), such that an access card of one level can set permissions on another up to that level.

In contrast to such setting of permissions on access cards in Timson, claim 1 recites "granting the access candidate access to the secured electronic data if the resolution authority provides authorization for such access." This limitation is not taught or suggested by managing the permissions of two secure data modules as in Timson.

Second, Timson fails to teach "submitting, by the controller a request for authorization to a resolution authority" to authorize access to secured data when a comparison indicated that access is prohibited without authorization, as recited in claim 1. In alleging that Timson teaches this step, the Examiner relies on the description at col. 3, lines 34-40 and 57-64 and col. 4, lines 7-11 in Timson. Applicants disagree with this allegation. In col. 3, lines 34-40 Timson teaches an enabling module (EM) that issues a challenge to an interrogatable module (IM). In col. 3, lines 57-64, Timson teaches an

EM that issues a request to an IM. In col. 4, lines 7-11, Timson teaches an EM that

transmits permissions data in response to a challenge from an IM.

In contrast to the EM challenging the IM, the EM sending a request to the IM

and the EM responding to a challenge from the IM in Timson, claim 1 recites a

"controller" that requests that a "resolution authority" authorize access by the "access

candidate" to secured electronic data when a comparison indicates that access is

prohibited without authorization.

Therefore, for at least the above reasons, Timson fails to disclose all features of

independent claim 1. Independent claims 7, 24 and 29 are patentable for similar reasons.

In addition, the Examiner has rejected claims 2-6, 8-14 and 25-28 as being

anticipated by Timson. These dependent claims necessarily include all features of claims

1, 7, 24 and 29. As discussed above, Timson fails to disclose all features of claims 1, 7,

24 and 29, therefore claims 2-6, 8-14 and 25-28 are not anticipated by the cited

references.

The Examiner rejected claims 16 and 30 as likewise being anticipated by

Timson. These independent claims contain similar language to claims 1, 7, 24 and 29

and are patentable for the same reasons discussed above. Dependent claims 17-19 and

31-33 necessarily include all features of claims 16 and 30 respectively. Timson fails to

disclose all features of claims 16 and 30, therefore claims 17-19 and 31-33 are not

anticipated by Timson.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 5, 6, 11-13, 20-23, 27, 28 and 34-36 under 35

U.S.C. § 103(a) as being unpatentable over Timson in view of U.S. Patent publication

2004/0049687 of Orsini *et al.* (Orsini). Applicants respectfully traverse this rejection.

Orsini fails to cure the deficiencies of Timson as noted above. Therefore claims 5, 6, 11-

13, 20-23, 27, 28 and 34-36 are patentable over Timson and Orsini taken alone or in
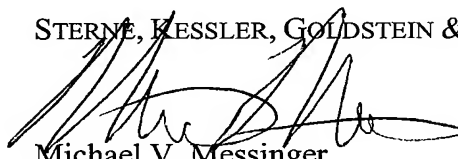
combination for at least the reasons provided above.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed,

accommodated, or rendered moot. Applicants therefore respectfully request that the

Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for

allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the

undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Respectfully submitted,

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